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10/588,663

08/07/2006

Rainer Reichenbach

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EXAMINER

LOWE, MICHAEL S

ART UNIT

PAPER NUMBER

3652

MAIL DATE

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06/11/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|---------------------------------------|--|--|
| Office Action Summary | Application No. 10/588,663 | Applicant(s) REICHENBACH, RAINER | |
| | Examiner Michael Scott Lowe | Art Unit 3652 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Objections

Claim 12 is objected to because of the following informalities: The claim doesn't have a "." at the end. Appropriate correction is required.

Claim Rejections - 35 USC § 102/103

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6,9-16 are rejected under 35 U.S.C. 102(b) as anticipated by Liljengren et al. (US Patent 5,520,502) or, in the alternative, under 35 U.S.C. 103(a) as obvious over Liljengren et al. (US Patent 5,520,502) in view of Ohtomi (US 5,085,556).

Re claims 6,9-16 , Liljengren et al. disclose a work piece transporting apparatus comprising:

at least one articulated arm (generally fig. 2, 19) with a first (generally 24, etc.) and second (generally 29, etc.) arm components connected together by an articulation (generally proximate 22), a longitudinal cross member (generally 5), a carriage

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(generally 9), a pivot drive (generally 23), a drive (generally 21,22) for horizontal movement, and a lift drive (generally col. 3, ln. 27-29);

a rotatable transverse cross member (generally fig. 2, 27) and a drive (generally 25,22) for rotating;

a work piece holder (generally 33) mounted on an articulated arm with a respective drive (generally 38) for moving the holder. Liljengren teaches a direct pivotal mount of said articulated arm on the carriage as the carriage has not limited in a way that precludes part 18 from being considered part of the carriage. The transport plane may be chose from a plurality of different planes transported through and as for example the device may be tilted (column 6, lines 22+) the direct pivotal connection could be considered be perpendicular. For sake of speeding prosecution it is noted that Ohtomi teaches its direct arm connection pivot connection (generally 46a) vertical and It would have been obvious to one of ordinary skill in the art at the time the invention was made to have tried modifying Liljengren by Ohtomi to have a vertical pivot axis connection of the carriage to achieve the predictable result to increase versatility with handling non-aligned workpieces.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liljengren et al. (US Patent 5,520,502) (or also in view of Ohtomi (US 5,085,556) in alternate).

Re claim 8, Liljengren et al. teaches a work piece transporting apparatus as recited above, and further teach:

a pivotable transverse cross member (Fig. 2, 27), a drive (proximate 50) for pivoting the transverse cross member, rollers (30 and 31), and a chain or belt (32).

While Liljengren et al. do not specifically teach a "toothed wheel," it would have been obvious, at the time of invention, to a person having ordinary skill in the art to provide the rollers with teeth to augment movement of the attached chain in order to increase the precision and control of the chain's movement. Cited references such as Stuyt, Harsch, & Barry also shown that this is known.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liljengren et al. in view of Bacchi et al. (US Patent 6,275,748 B1) (or also in view of Ohtomi (US 5,085,556) in alternate).

Re claim 7, Liljengren et al. teach the work piece transporting apparatus as recited above, but fails to teach wherein two articulated arms are arranged as mirror images of each other. Bacchi et al. teaches:

two articulated arms (Fig. 17) arranged as mirror images each of the other, with a respective pivot drive (proximate 365L and -R) for each arm.

At the time of invention, it would have been obvious to a person having ordinary skill in the art to have tried modifying Liljengren by Bacchi to have mirrored arms in order to achieve the predictable result of increasing the efficiency and production capability of the apparatus.

Conclusion

Applicant's arguments filed 2/9/09 have been fully considered but they are not persuasive. As noted in the rejection the carriage and pivot connection as currently claimed is taught by the reference and for completeness it is shown that as claimed the combination could be taught by a secondary reference even if viewed differently. It is understood that applicant agrees with the rejections not specifically argued.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Scott Lowe whose telephone number is (571)272-6929. The examiner can normally be reached on 6:30am-4:30pm M-Th.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez can be reached on (571)272-7097. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Scott Lowe/
Primary Examiner, Art Unit 3652